

REMARKS

Upon entry of this response, claims 1-14 and 25-29 remain pending in the present application. Claims 1, 8, and 25 have been amended herein. Applicants respectfully request reconsideration of the pending claims in view of the following remarks.

1. **Indication of Allowable Subject Matter**

Applicants acknowledge the Examiner's statement in the outstanding Office Action in which claims 6, 7, 13, and 14 have been objected to as being dependent upon a rejected base claim, but deemed allowable if rewritten in independent form including the limitations of the base claim and any intervening claims.

In that it is believed that every rejection and objection has been overcome, it is respectfully submitted that each of the claims that remains in the case is presently in condition for allowance.

2. **Response to Rejections of Claims under 35 U.S.C. § 102**

Claims 1-2, 8, 10, and 25-26 have been rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent 6,757,741 issued to Hertling (hereafter "*Hertling '741'*"). Anticipation under § 102 "requires the disclosure in a single prior art reference of each element of the claim under construction." W.L. Gore & Associates, Inc. v. Garlock, Inc., 220 USPQ 303, 313 (Fed. Cir. 1983).

a. **Claim 1**

As provided in independent claim 1, Applicants claim:

A print auditing network, comprising:

a client that originates a print job for printing, the print job including parametric data associated with the print job;

a printer in data communication with the client that is employed to print the print job, the print job being transmitted from the client to the printer;

a print job aggregator in data communication with the client and the printer;

a client agent executed in the client to provide a first report of the parametric data associated with the print job to the print job aggregator; and

a print agent executed in the printer to provide a second report of the parametric data associated with the print job to the print job aggregator after the print job is finished printing, where the print job aggregator stores the first and second reports of the parametric data in a memory.

(Emphasis added).

Applicants respectfully submit that independent claim 1 is allowable for at least the reason that *Hertling '741* does not disclose, teach, or suggest at least "a print agent executed in the printer to provide a second report of the parametric data associated with the print job to the print job aggregator after the print job is finished printing, where the print job aggregator stores the first and second reports of the parametric data in a memory," as emphasized above.

For example, *Hertling '741* discloses a method for printing on a network where a print job ticket (and not a full print job) is transmitted to a queue server and when the print job ticket is at the head of the queue, the queue server transmits the print job ticket to a print server. The print server then requests the full print job from a client. See cols. 5-6, lines 45-9. *Hertling '741* further discloses that the "print job ticket 303 is deleted from the printing queue maintained within the queue server 109 as the job has been sent to the print server 113 for printing." See col. 7, lines 27-30. As such, *Hertling '741* does not teach or suggest at least "a print agent executed in the printer to provide a second report of the parametric data associated with the print job to the print job aggregator after the print job is finished printing, where the print job aggregator stores the first and second reports of the parametric data in a memory," as recited in claim 1.

As a result, claim 1 is patentable over *Hertling '741*, and the withdrawal of the rejection of claim 1 is respectfully requested.

b. Claim 2

Claim 1 is allowable over the cited art of record for at least the reasons given above. Since claim 2 depends from claim 1 and recites additional features, claim 2 is allowable as a matter of law over the cited art of record.

c. Claim 8

As provided in independent claim 8, Applicants claim:

A method for auditing a print job within a network, the method comprising:
originating a print job in a client to be printed;
associating parametric data with the print job, the parametric data describing the print job;
transmitting a first report of the parametric data from the client to a print job aggregator;
transmitting the print job from the client to a printer;
printing the print job in the printer; and
transmitting a second report of the parametric data from the printer to the print job aggregator after the print job is printed by the printer.

(Emphasis added).

Applicants respectfully submit that independent claim 8 is allowable for at least the reason that *Hertling '741* does not disclose, teach, or suggest at least "transmitting a second report of the parametric data from the printer to the print job aggregator after the print job is printed by the printer," as emphasized above.

Rather, *Hertling '741* discloses a method for printing on a network where a print job ticket (and not a full print job) is transmitted to a queue server and when the print job ticket is at the head of the queue, the queue server transmits the print job ticket to a print server. The print server then requests the full print job from a client. See cols. 5-6, lines 45-9. *Hertling '741* further discloses that the "print job ticket 303 is deleted from the printing queue maintained within the queue server 109 as the job has been sent to the print server 113 for printing." See col. 7, lines 27-30. As such, *Hertling '741* does not teach or suggest at least "transmitting a second report of the parametric data from the printer to the print job aggregator after the print job is printed by the printer," as recited in claim 8. In particular, after printing of a print job, the printer server in *Hertling '741* is not disclosed to continue communications with a queue server about the completed print job.

As a result, claim 8 is patentable over *Hertling '741*, and the withdrawal of the rejection of claim 8 is respectfully requested.

d. Claim 10

Claim 8 is allowable over the cited art of record for at least the reasons given above. Since claim 10 depends from claim 8 and recites additional features, claim 10 is allowable as a matter of law over the cited art of record.

e. Claim 25

As provided in independent claim 25, Applicants claim:

A print auditing network, comprising:

a client that originates a print job for printing, the print job including parametric data associated with the print job;

a printer in data communication with the client that is employed to print the print job, the print job being transmitted from the client to the printer;

a print job aggregator in data communication with the client and the printer;

means in the client for providing a first report of the parametric data associated with the print job to the print job aggregator; and

means in the printer for providing a second report of the parametric data associated with the print job to the print job aggregator after the print job is finished printing, where the print job aggregator stores the first and second reports of the parametric data in a memory.

(Emphasis added).

Applicants respectfully submit that independent claim 25 is allowable for at least the reason that *Hertling '741* does not disclose, teach, or suggest at least "means in the printer for providing a second report of the parametric data associated with the print job to the print job aggregator after the print job is finished printing, where the print job aggregator stores the first and second reports of the parametric data in a memory," as emphasized above.

For example, *Hertling '741* discloses a method for printing on a network where a print job ticket (and not a full print job) is transmitted to a queue server and when the print job ticket is at the head of the queue, the queue server transmits the print job ticket to a print server. The print server then requests the full print job from a client. See cols. 5-6, lines 45-9. *Hertling '741* further discloses that the "print job ticket 303 is deleted from

the printing queue maintained within the queue server 109 as the job has been sent to the print server 113 for printing." See col. 7, lines 27-30. As such, *Hertling '741* does not teach or suggest at least "means in the printer for providing a second report of the parametric data associated with the print job to the print job aggregator after the print job is finished printing, where the print job aggregator stores the first and second reports of the parametric data in a memory," as recited in claim 25. In particular, after printing of a print job, the printer server in *Hertling '741* is not disclosed to continue communications with a queue server about the completed print job.

As a result, claim 25 is patentable over *Hertling '741*, and the withdrawal of the rejection of claim 25 is respectfully requested.

f. Claim 26

Claim 25 is allowable over the cited art of record for at least the reasons given above. Since claim 26 depends from claim 25 and recites additional features, claim 26 is allowable as a matter of law over the cited art of record.

3. Response to Rejections of Claims under 35 U.S.C. § 103

Claims 3-4 and 27-28 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Hertling '741* in view of U.S. Patent Application Publication 20030090705 filed by Ferlitsch (hereafter "*Ferlitsch*"). Claim 9 has been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Hertling '741* in view of U.S. Patent 6,874,034 issued to Hertling (hereafter "*Hertling '034*"). Claims 5, 12, and 29 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Hertling '741* in view *Ferlitsch* and further in view of U.S. Patent Application Publication 20020188646 filed by Terrill et al. (hereafter "*Terrill*"). A prima facie case of obviousness is established only when the prior art teaches or suggests all of the elements of the claims. MPEP §2143.03, In re Rijckaert, 9 F.3d 1531, 28 U.S.P.Q2d 1955, 1956 (Fed. Cir. 1993).

a. Claims 3-4

Claim 1 is allowable over the cited art of record for at least the reasons given above. Further, *Ferlitsch* does not remedy the deficiencies of *Hertling '741* with respect to independent claim 1. Since claims 3-4 depend from claim 1 and recite additional features, claims 3-4 are allowable as a matter of law over the cited art of record.

b. Claim 5

Claim 1 is allowable over the cited art of record for at least the reasons given above. Further, *Ferlitsch* and *Terrill* do not remedy the deficiencies of *Hertling '741* with respect to independent claim 1. Since claim 5 depends from claim 1 and recites additional features, claim 5 is allowable as a matter of law over the cited art of record.

c. Claim 9

Claim 8 is allowable over the cited art of record for at least the reasons given above. Further, *Hertling '034* does not remedy the deficiencies of *Hertling '741* with respect to independent claim 8. Since claim 9 depends from claim 8 and recites additional features, claim 9 is allowable as a matter of law over the cited art of record.

d. Claim 12

Claim 8 is allowable over the cited art of record for at least the reasons given above. Further, *Ferlitsch* and *Terrill* do not remedy the deficiencies of *Hertling '741* with respect to independent claim 8. Since claim 12 depends from claim 8 and recites additional features, claim 12 is allowable as a matter of law over the cited art of record.

e. Claims 27-28

Claim 25 is allowable over the cited art of record for at least the reasons given above. Further, *Ferlitsch* does not remedy the deficiencies of *Hertling '741* with respect to independent claim 25. Since claims 27-28 depend from claim 25 and recite additional features, claims 27-28 are allowable as a matter of law over the cited art of record.

f. Claim 29

Claim 25 is allowable over the cited art of record for at least the reasons given above. Further, *Ferlitsch* and *Terrill* do not remedy the deficiencies of *Hertling* '741 with respect to independent claim 25. Since claim 29 depends from claim 25 and recites additional features, claim 29 is allowable as a matter of law over the cited art of record.

4. Cancellation of Claims 15-24

Claims 15-24 were not elected in response to a restriction requirement. Accordingly, claims 15-24 are canceled without prejudice, waiver, or disclaimer, and therefore, the rejection to these claims are rendered moot. Applicants take this action merely to reduce the number of disputed issues and to facilitate early allowance and issuance of other claims in the present application. Applicants reserve the right to pursue the subject matter of these canceled claims in a continuing application, if Applicants so choose, and do not intend to dedicate any of the canceled subject matter to the public.

CONCLUSION

It is requested that all outstanding objections and rejections be withdrawn and that this application and all presently pending claims be allowed to issue. If the Examiner has any questions or comments regarding this Response, the Examiner is encouraged to telephone the undersigned counsel of Applicants.

Respectfully Submitted,



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